

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

11	OUTERBRIDGE ACCESS ASSOCIATION,)	Case No. 08-CV-0046-JM (JMA)
12	SUING ON BEHALF OF DIANE CROSS;)	
12	et al.,)	ORDER FOLLOWING TELEPHONIC
13	Plaintiffs,)	CASE MANAGEMENT CONFERENCE AND
14	v.)	SETTING SETTLEMENT CONFERENCE
15	HOME DEPOT U.S.A., INC., etc.;)	
16	et al.,)	
17	_____)	

On June 4, 2008, the Court conducted a telephonic Case Management Conference. Counsel for the parties appeared for the conference. Judge Adler will conduct a Settlement Conference on **August 4, 2008** at **10:00 a.m.** in his chambers, Room 1165, U.S. Courthouse, 940 Front Street, San Diego, California.

Pursuant to Rule 16.1(c) of the Local Rules of the United States District Court for the Southern District of California, **all named parties, all counsel, and any other person(s) whose authority is required to negotiate and enter into settlement shall appear in person at the conference**, shall be prepared to discuss the claims and defenses, and shall be legally

1 and factually prepared to discuss and resolve the case at the
2 Settlement Conference. The individual(s) present at the
3 Settlement Conference with settlement authority must have the
4 unfettered discretion and authority on behalf of the party to:
5 1) fully explore all settlement options and to agree during the
6 Settlement Conference to any settlement terms acceptable to the
7 party (*G. Heileman Brewing Co., Inc. v. Joseph Oat Corp.*, 871
8 F.2d 648, 653 (7th Cir. 1989)), 2) change the settlement position
9 of a party during the course of the Settlement Conference (*Pitman*
10 *v. Brinker Int'l, Inc.*, 216 F.R.D. 481, 485-86 (D. Ariz. 2003)),
11 and 3) negotiate a settlement without being restricted by any
12 predetermined level of authority (*Nick v. Morgan's Foods, Inc.*,
13 270 F.3d 590, 596 (8th Cir. 2001)).

14 Retained outside corporate counsel shall not appear on
15 behalf of a corporation as the party who has the authority to
16 negotiate and enter into a settlement. **The failure of any**
17 **counsel, party or authorized person to appear at the Settlement**
18 **Conference as required will result in the immediate imposition of**
19 **sanctions.**

20 All conference discussions will be informal, off the record,
21 privileged, and confidential.

22 Counsel for any non-English speaking parties is responsible
23 for arranging for the appearance of an interpreter at the
24 conference.

25 Based upon the Court's familiarity with cases brought
26 pursuant to the Americans with Disabilities Act, and in the
27 interest of promoting the just, efficient, and economical
28 determination of this action, the Court issues the following

orders:

1. All discovery shall be stayed in this case until after the Federal Rule of Civil Procedure 26(f) conference;

2. **Twenty-one (21) days** prior to the Settlement Conference (not later than July 14, 2008), Plaintiff's(s') counsel shall lodge with Magistrate Judge Adler's chambers, and serve on opposing counsel, a statement not in excess of two pages, including the following information:

(a) An itemized list of the specific issues on the subject premises which are the basis of the claimed violations under the Americans with Disabilities Act. A recitation of regulations, by number, will not satisfy this requirement. The claimed violations must be specifically described.

(b) A statement of the amount and category of damages claimed by Plaintiff(s) in this action.

(c) The amount claimed for attorneys' fees and costs; and

(d) The Plaintiff's(s') demand for settlement of the case in its entirety.

3. **Fourteen (14) days** prior to the Settlement Conference (not later than July 21, 2008), counsel for the parties shall meet and confer regarding settlement of:

(a) The premises violations alleged; and

(b) Damages, costs, and attorneys' fees claims.

4. **Seven (7) days** prior to the Settlement Conference (not later than July 28, 2008), counsel shall lodge with Magistrate Judge Adler's chambers a joint statement advising the Court of the status of settlement negotiations and setting forth all

1 issues in dispute, including property issues, Plaintiff's(s')
2 alleged damages, and the claim for attorneys' fees and costs,
3 along with a description of any settlement demands and/or offers
4 exchanged.

5 5. The statements required to be lodged with the
6 undersigned's chambers may be delivered directly to chambers, e-
7 mailed to efile_adler@casd.uscourts.gov, or faxed to (619) 702-
8 9939.

9 6. Plaintiff's(s') counsel shall be prepared to present to
10 the Court for *in camera* review at the Settlement Conference
11 documentation supporting the amount of attorneys' fees and costs
12 claimed.

13 Rule 26 of the Federal Rules of Civil Procedure shall apply
14 to this case. In the event the case does not settle at the
15 Settlement Conference, the parties shall also be prepared to
16 discuss the following matters at the conclusion of the
17 conference:

18 1. Any anticipated objections under Federal Rule of Civil
19 Procedure 26(a)(1) to the initial disclosure provisions of Rule
20 26(a)(1)(A-E);

21 2. The scheduling of the Rule 26(f) conference;

22 3. The date of initial disclosures and the date for
23 lodging the discovery plan following the Rule 26(f) conference;
24 and

25 4. The scheduling of a Case Management Conference pursuant
26 to Rule 16(b).

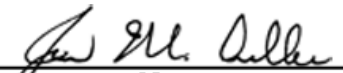
27 Plaintiff's(s') counsel shall give notice of the Settlement
28 Conference to parties responding to the complaint after June 1,

1 2008.

2 Questions regarding this case may be directed to the
3 Magistrate Judge's law clerk at (619) 557-5585.

4 **IT IS SO ORDERED.**

5 DATED: June 4, 2008

6 
7 Jan M. Adler
8 U.S. Magistrate Judge
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